



**MINUTES
CITY COUNCIL MEETING
December 21, 2021**

CALL TO ORDER

The meeting was called to order at 6:31pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; Planning Consultant: Hannah Rybak; City Engineer: Brad Reifsteck; and City Clerk Moeller: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Council met in a brief work session prior to the regular meeting where they reviewed the 2022 final payable levy and budget information.

Mayor Miner gave a presentation announcing the winners of the Holiday Home Decorating Contest that was judged by the Long Lake Garden Club. For the 'Nostalgic' category, winners were: 3rd place – Brevik Theraldson; 2nd place – Jim Benson; and 1st place – Scott DeYoung. For the 'Clark Griswold' category, winners were: 2nd place – Adams Family; 1st place – Bret Ostvolden. He thanked Birch's on the Lake, Carbone's, Lakeside Wine + Spirits, and Primo Plates & Pours for donating prizes for contest winners.

APPROVE AGENDA

A motion was made by Feldmann, seconded by Dyvik, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of December 7, 2021 City Council Work Session
- B. Approve Minutes of December 7, 2021 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2021-54 Reappointing Resident Roger Adams to the Position of Planning Commission Member Serving a Term Effective January 2022 Through December 31, 2025
- E. Adopt Resolution No. 2021-55 Approving the Issuance (Renewal) of 2022 Tobacco Licenses
- F. Adopt Resolution No. 2021-56 Approving the Issuance (Renewal) of 2022 Residential and Commercial Refuse Hauler Licenses
- G. Adopt Resolution No. 2021-57 Approving the Issuance (Renewal) of 2022 Liquor Licenses
- H. Adopt Resolution No. 2021-58 Approving Issuance of Special Event Permit #S2021-11 for the Orono Lions Snowball Open 2022 to be Held February 5, 2022, and to Authorize the Hennepin County Sheriff's Office Water Patrol Unit to Permit the Event

- I. Accept the Resignation of Firefighter Blair Mileski From the Long Lake Fire Department
- J. Adopt Resolution No. 2021-64 Conditionally Appointing Ben Carlson to the Position of Paid On-Call Firefighter for the City of Long Lake Fire Department
- K. Adopt Resolution No. 2021-65 Accepting a Donation to the Long Lake Fire Department from the Long Lake Volunteer Fire Relief Association in the Amount of \$902.90 to Purchase Equipment for an Exercise Room at Station 2

A motion was made by Dyvik, seconded by Feldmann, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Public Hearing: Ordinance Amending the City Code of Ordinances Regarding Escrow Requirements for Land Use Applications and Development

City Clerk Moeller explained the need for some rewriting and enforcement tools within the City's Consultant Development Fees section of City Code, and recalled that a working draft of proposed updates had previously been discussed at a Council meeting. The ordinance proposed for Council's consideration was updated to incorporate suggestions from Council to include references to Certificates of Occupancy being withheld for any outstanding debt to the City for professional services costs incurred. She provided an overview of the ordinance proposed for adoption and noted that it will continue to establish that developers or applicants are responsible for professional consultant costs incurred by the City all the way through a project's construction phase, including final inspection and issuance of a Certificate of Occupancy.

Mayor Miner opened the public hearing at 6:47 pm.

There being no public comment, Mayor Miner closed the public hearing at 6:47 pm.

A motion was made by Kvale, seconded by Feldmann, to adopt Ordinance No. 2021-04 amending Chapter 26 – Planning and Development, Article II. Consultant Development Fees of the City of Long Lake Code of Ordinances regarding escrow requirements for land use applications and development. Ayes: all.

Planning Case #2021-05/Request for Approval of a Master Development Plan for a Planned Unit Development, Village Design Guidelines Review and a Preliminary Plat for the Long Lake Townhomes Project to be Located at 1843, 1877, 1885 and 1895 Symes Street (Applicant: JMH Land Development Company LLC)

Planning Consultant Rybak noted that the applicant's proposal is a similar request to one that was approved by Council some years ago for a townhome project called Lakeside Row on the Symes Street block. She reported that the current application is for 11 townhomes split between two buildings, with the townhomes to be owner occupied. She gave an overview of the proposed buildings and clarified that the townhomes will be three-story units with tuck under garage spaces and second floor decks. The owners would be required to join a homeowners association which would maintain the common areas. She added that the Village Design Worksheet for the project was approved by the Planning Commission at their recent meeting. She pointed out that as a result of the Lakeside Row project, the four properties included in the application were rezoned to PUD which remains in effect. The properties do not need to be rezoned and the Council is just being asked to approve the Master Development Plan that would govern the PUD. She presented a rendering of the proposed townhomes and the existing conditions. She reviewed the Preliminary Plat for a proposal to create individual lots that would include the land that each unit will sit on and

explained that there will be 12 total lots, with only 11 having units, and the remaining lot being comprised of the common areas.

Council member Kvale questioned what the difference would be between a medium density residential development and a PUD with medium density, and asked if there was an advantage in having it be a PUD.

Rybak responded that in this case, there is not really a need to use the PUD to allow for flexibility within the requirements because the property is already zoned PUD. She had not done a comparison of how the project would fit in the regular medium density zoning district because the plan had always been for it to be a PUD. She stated that she is not entirely sure what the reasoning would have been for requiring a two-acre minimum for a PUD, given that Long Lake is a pretty built-out City and noted that the ordinance may be in need of an update.

Moeller mentioned that the two-acre minimum requirement was more in relation to PUDs outside of the Downtown Village area. She stated that she agreed with City Planner Rybak that this may be an area in the ordinance that may need some tweaking now that the Downtown Village boundary has been removed.

The Council discussed the setback requirements for PUD versus single family development.

Rybak noted that the application meets setback requirements, meets the height requirement, and the density is at eight units per acre which is within medium density consistent with the comprehensive plan guidance for the properties. She reviewed the proposed garage and parking spaces provided, and added that parking generously exceeds the minimum requirement. She touched on the landscaping plan and indicated that it will require the removal of 26 trees and the preservation of 5 trees; however, there are plans to plant eight deciduous trees, 11 evergreens, 16 ornamental trees, and 362 shrubs along with perennials and grasses. She stated that the landscaping plans are far and above what is required by code.

City Engineer Reifsteck reviewed the engineering comments on the proposal related to hardcover and stormwater plans. He explained that the developer is planning to design and build a new stormwater basin to be located at the rear of the property and 90% of the new impervious area will flow to that basin. He added that it will need to be permitted through the Minnehaha Creek Watershed District, whose requirements are typically more stringent than City requirements. He explained that the sanitary sewer and water main will be replaced along Symes Street for this project and new services will be added to each of the units along with an additional hydrant. The developer is also planning to reconstruct Symes Street and add new curb, gutter, and sidewalk on the parcel side of the street.

Council member Kvale asked if the sidewalk would be privately maintained through the homeowners association.

Reifsteck replied that he was unsure how the contract would be written but he believed that the sidewalk was within the City's right of way, so it may be the City's responsibility.

Weske believed the sidewalk may be the responsibility of the homeowners association, but depending on location, he knows the City tends to handle some sidewalk maintenance.

Rybak reviewed the criteria for approval of a PUD Master Development Plan and Preliminary Plat and reported that staff and the Planning Commission recommend approval, subject to the conditions contained in the draft Resolution as revised by City Attorney Thames. She reiterated that the

Planning Commission found the proposal consistent with the Village Design Guidelines and had approved the worksheet at their recent meeting.

Council member Joyce asked if this project going from four parcels to 11 parcels may impact the usage of the parks.

Rybak indicated that, in general, this type of housing is a good neighbor to a park area. She commented that staff does not anticipate any unreasonable impacts to the neighborhood or the park.

Council member Kvale questioned what demographic the townhomes were being marketed for.

Rybak responded that the units are not age or income restricted and encouraged the Council to ask the applicant who they are targeting for the units.

Mark Sonstegard, JMH Land Development, introduced a few members of their development team: Tim Whitten of Whitten Associates, architect; and Ryan Bloom, Westwood Professional Services, their civil engineer.

Mr. Whitten stated that they have done a number of similar projects with three story townhomes which have personal elevators in each unit. He reported that they have had success throughout the Twin Cities and offered an overview of the general layout of the units. The units are designed to be able to capture a mixed group of potential buyers anywhere between young and active couples to empty nesters. He mentioned that about 90% of people opt to put in the personal elevators into the units.

Council member Joyce inquired what the homeowners association would cover in this situation.

Mr. Whitten clarified that the homeowners would be responsible for each individual unit and the homeowners association covers the exterior of the building, maintenance of the building, and the grounds.

Mayor Miner asked about the price range for the units.

Mr. Whitten replied that in their other projects, they have ranged from \$800,000 up to \$2,000,000 for a three-story townhome. He stated that he expects these to be in the \$1 million and over range.

Council member Dyvik indicated that this proposal is exactly what he had envisioned for this location with a row house type concept.

Council member Kvale questioned whether they had put any thought into potential boat storage for residents.

Mr. Whitten responded that if they are able to fit their boat inside their garage, that is fine, but they would not be allowed to park it outside.

Council member Kvale asked if the City had an ordinance that would prohibit people from parking their boats overnight in the public parking lots in the park.

Moeller believed that ordinance language was sufficient to prevent people from doing so, but confirmed she would make a note to double check the code.

Rybak reminded the Council of the minor revisions City Attorney Thames had made to the conditions of approval as stated in the Resolution.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2021-63 approving the request for a Preliminary Plat and Master Development Plan, subject to conditions as set forth in the Resolution, as revised. Ayes: all.

Council member Dyvik noted that he believed the developer had stated they would hope to break ground in March with construction by June.

Council member Joyce asked about the square footage of each unit.

Mr. Whitten indicated that the units would be around 2,220 square feet with three bedrooms.

Council member Joyce asked about the historic home in the block that used to be a mill building and whether it would be removed or relocated and preserved.

Rybak commented that the property is being sold to the developer so she does not have that information.

Moeller added that the Castle family no longer owns the property Council member Joyce was referring to, and clarified that all four parcels are now under the same ownership.

Ayes: all.

Industrial District Zoning Ordinance Study and Amendments Discussion

Rybak introduced Jared Johnson of WSB who assisted in the Industrial Districts zoning study.

Mr. Johnson provided an overview of the study that looked at outdoor storage and commercial vehicle parking. He reviewed the existing ordinance language in the Industrial Districts and the items they reviewed for the 41 lots that are currently zoned Industrial. He observed that key takeaways from the study were that around 73% of the lots are paved, 46% of lots have the principle building located towards the rear, and 19% have it located towards the front. A bit over 50% of the lots do not have permissible exterior storage under the current code. He stated that they also reviewed ordinances from Orono, Mound, Wayzata, Excelsior, Victoria, and Medina. At the Planning Commission's last meeting, the Planning Commission was in favor of amendments that would allow more industrial properties to be compliant with the ordinance standards; proper screening of exterior storage areas; that storage areas should not be paved but areas where vehicles are driving should be, as keeping loose gravel off streets is important; any exterior storage on an industrial lot should be associated with the business located on the same property; and storage location should not be solely determined by the building location.

Council member Dyvik asked if his understanding of the existing ordinance was correct that there is no screening requirement on the front and only on the side.

Rybak confirmed that she has been confused by that question since she joined the City staff. She read aloud a portion of the ordinance that talks about enclosing something that is opaque on two sides and questioned how you can enclose something with just two sides.

Council member Dyvik agreed with the points raised by the Planning Commission, though he is a bit bothered by the statement that they are in favor of amendments that would allow more industrial property to be compliant because that sounds like the City is going to adapt to the existing conditions rather than having businesses adapt to what the Council feels is best for the City.

Moeller added that to some degree, she believes the City's zoning ordinance has created its own problem. She gave the example of the City Code saying that people can build up to the five foot setback on the rear property line but can only have storage behind the building. She commented that she thinks it is less about allowing more industrial properties to be compliant and more about looking at this again in order to be more consistent in the messaging.

Council member Dyvik stated that he thinks the City shouldn't require storage to be behind the building, but does think there should be some limitations as well as screening.

Moeller explained that her overall goal would be to create standards that are reasonable to comply with and for the standards to place limits on exterior storage, improve the appearance by requiring screening, and assure that anything coming onto the street is coming from a paved surface.

The Council spent time discussing the problems with enforcement and ways to make the code strong and defensible.

Council member Kvale suggested the possibility of having a round table type discussion with some of the 'players' in order to get their buy-in on some of these amendments.

Rybak stated that was not in the scope of their project.

Weske encouraged the Council to give staff some direction on the items they have brought forward. He stated that staff can then draft a basic expectation that could then be sent out to the business owners asking for feedback at that point in time.

Moeller added that an opportunity for them to give feedback would be part of any public hearing process. She noted that this situation is unique because what staff is proposing will be more favorable to many of the businesses than their present circumstance. She stated that she questions what level of participation there may be on a round table type discussion.

Council member Feldmann asked about the current violation process.

Weske explained how violations are currently cited, though referenced challenges in the process.

The Council discussed the advantages of requiring screening and the importance of defining a screening fence, as well as the possibility of using shrubs and bushes as a barrier in locations that are not completely paved. They reviewed the recommendations given from the Planning Commission.

Rybak stated that she thinks staff had received enough feedback from the Council to be able to begin drafting some possible amendments which will start at the Planning Commission before coming back to the Council.

Moeller suggested that the amendments be considered in rough draft form before moving straight into the public hearing process. She noted that the business owners could be invited to discuss and give feedback on rough drafts.

Final 2022 Payable Levy and 2022 Budget – Adoptions of Final Payable 2022 Levy, City Budget, Capital Improvement Program, and Pay Plan Resolutions

Weske gave a report outlining the proposed budget and levy. He indicated that the current proposed final levy is \$1,297,908 which is a 6.09% increase and will result in a slight increase in the local City tax rate, but does allow for a surplus of \$104,000. He explained that staff believes it is

possible the tax rate may be reduced due to the property valuations being updated by the County. The proposed final levy numbers are the same as what the Council adopted in September for the preliminary levy. Included in the packet were suggestions by staff for how to utilize the surplus, allocating \$50,000 to the Pavement Management Fund, \$10,000 to the Carp Management Fund, \$35,000 for Public Works furnace replacements and street/pedestrian safety items, leaving \$9,000 for unanticipated expenses. He reported that for the Enterprise funds, there is a positive cash flow of \$6,100 budgeted for the Water Fund and a \$180,600 cash loss project for the Sewer Fund, as well as a cash loss in the Storm Water Fund projected at about \$38,000.

Council member Dyvik noted that he had mentioned this at the work session, but he would like to see the Carp Management Fund renamed to something else so it reflects more than just the carp. He suggested something like the 'Long Lake Water Quality Fund' as an ongoing fund that does not just address carp removals.

Weske suggested that the fund retain the Carp Management Fund name for right now, with the understanding that it can be renamed and is intended to be utilized for lake improvements.

The Council discussed the pros and cons of reducing the levied surplus amount, and came to a consensus to reduce the levied surplus by \$20,000.

A motion was made by Dyvik, seconded by Feldmann, to adopt Resolution No. 2021-59 establishing the Final Tax Levy Collectible in 2022 and to reduce the total Final Levy to \$1,277,908 by reducing the Final Operating Levy to \$1,193,573. Ayes: all.

A motion was made by Miner, seconded by Dyvik, to adopt Resolution No. 2021-60 establishing the Final 2022 Total City Budget, with a reduction in the revenue budget to \$3,174,857 and expenditures reduced to \$3,295,942. Ayes: all.

A motion was made by Dyvik, seconded by Feldmann, to adopt Resolution No. 2021-61 establishing the 2022 Capital Improvement Plan (CIP). Ayes: all.

A motion was made by Feldmann, seconded by Dyvik, to adopt Resolution No. 2021-62 establishing the 2022 Pay Plan. Ayes: all.

A motion was made by Dyvik, seconded by Feldmann, to authorize staff to utilize the surplus as amended to reduce the Pavement Management Fund transfer to \$40,000, the Carp Management Fund contribution to \$5,000, and reducing the allocation for unanticipated expenditures down to \$4,000. Ayes: all.

Council member Dyvik observed that he would like the reduced surplus items to remain on the Council's radar for the possibility to be restored if the City finds itself in a position where there are increased revenues from various projects.

Council member Kvale noted that she would also like for the City to pursue grant opportunities for some of these projects, such as the pedestrian safety items.

Adoption of 2022 City Fee Schedule

Moeller clarified that typically adoption of the fee schedule would be included on the Consent Agenda; however, because the fee schedule included the adoption of the new escrow policy that was discussed earlier on the agenda, it needed to be placed on the agenda after that item was approved. She gave an overview of the fee adjustments recommended by staff for park shelter reservations, Special Event Permits, quarterly recycling rates, Right-of-Way Permit fees, the manual

reading charge for obsolete water meters, and the addition of incident billing for Public Works for consistency with the current billing practice.

A motion was made by Miner, seconded by Feldmann, to approve Ordinance 2021-03 adopting the 2022 City Fee Schedule, and to direct staff to publish a summary ordinance. Ayes: all.

OTHER BUSINESS

New Year Reflections – Council member Dyvik commented that this is the Council's last meeting of 2021 and looking back over the year, he felt good about what has been accomplished and is excited for what is to come in 2022 with upcoming projects. He thanked City Administrator Weske and City Clerk Moeller for all the work that they have done over the past year. He wished everyone a Merry Christmas and a Happy New Year.

Fire Services Meeting - Mayor Miner informed Council that there had been a fire services work group meeting last week at which the participating attendees had a good discussion about sharing resources such as ladder trucks. Council member Dyvik reported that the City of Wayzata joined the meeting for the first time, which was good to see. Mayor Miner noted that the plan is to meet every other month during 2022 in order to continue future fire services discussions.

Family Announcement – Council member Joyce shared that she will be welcoming a new member to her family in January. She plans to attend as many meetings as possible, but expects that she will miss a meeting or two following the birth of her daughter.

Orono Youth Hockey Discussions - Moeller briefly reviewed ongoing discussions staff has been having with the Orono Youth Hockey Association about the possibility of housing an ice resurfacers and providing staff at Holbrook Park when they use the park.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 9:16 pm.

Respectfully submitted,

Scott Weske
City Administrator